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# **Polish migrants, government and trade union policy, and new-liberal regulation**

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Faculty of Business and Law

# (1) Context - Migration

- Europe closing borders (gated community):

- Undocumented migrants to grow?

**Worse employment rights  
(McKay and Wright, 2008)**



Ceuta - Spanish enclave in Morocco



**Response force for  
migration regulation,  
operates throughout  
continent - 113  
ships, 25 helicopters  
and up to 22 planes  
plus 500 cameras**



# (1) Context - Migration

Anti-migrant feeling in UK became clear in 2007.

Our Prime Minister spoke of

*'..a crackdown on migrant workers' and '..British jobs for every British worker'*

So why?

May 2004 accession of Central and Eastern European countries (A8).

The 2008 financial crisis

Largest ever single migration to UK (Salt and Miller, 2006).





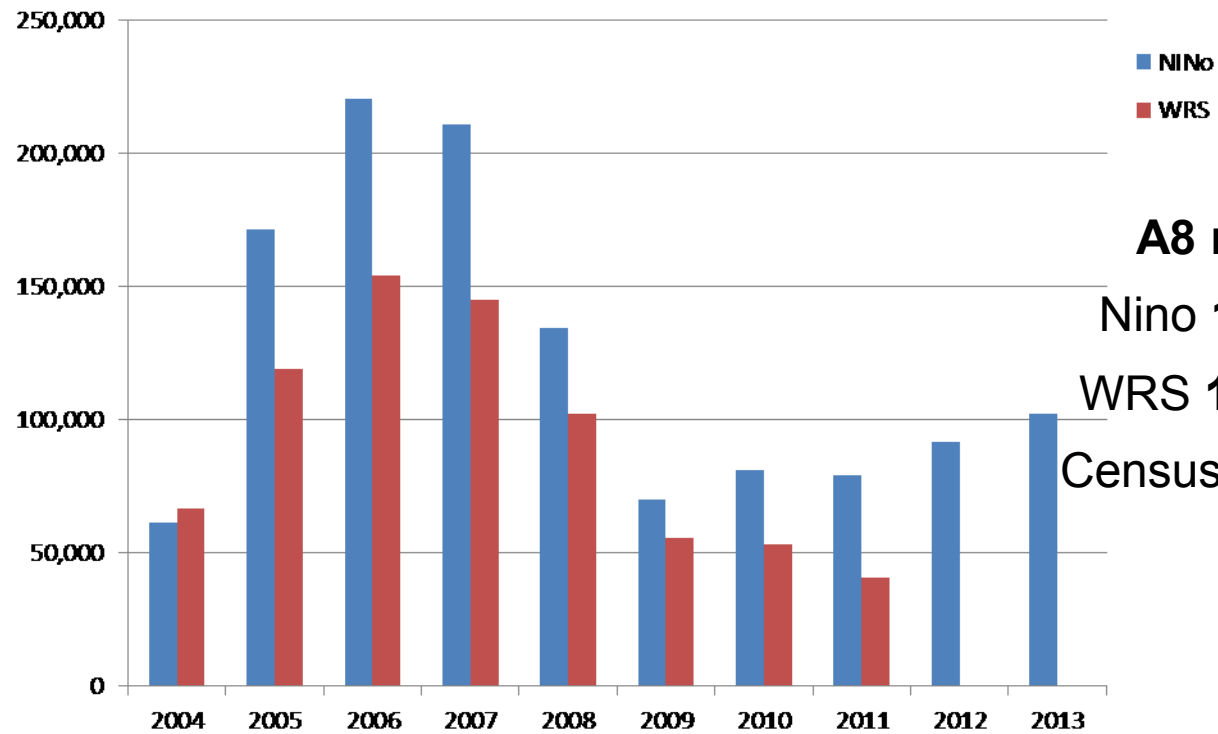
# (1) The characteristics of the A8 migration compared with earlier migrations to the UK

Long history of Polish and other migration to UK –

**CHOICE**

The accession (A8) - the facts?

Polish migration



May 2004 – May 2011

Nino **950,570**

WRS **705,890**

Census **579,000**

**A8 migration**

Nino **1,708,030**

WRS **1,134,711**

Census **1,114,000**

**A new type of migration?**

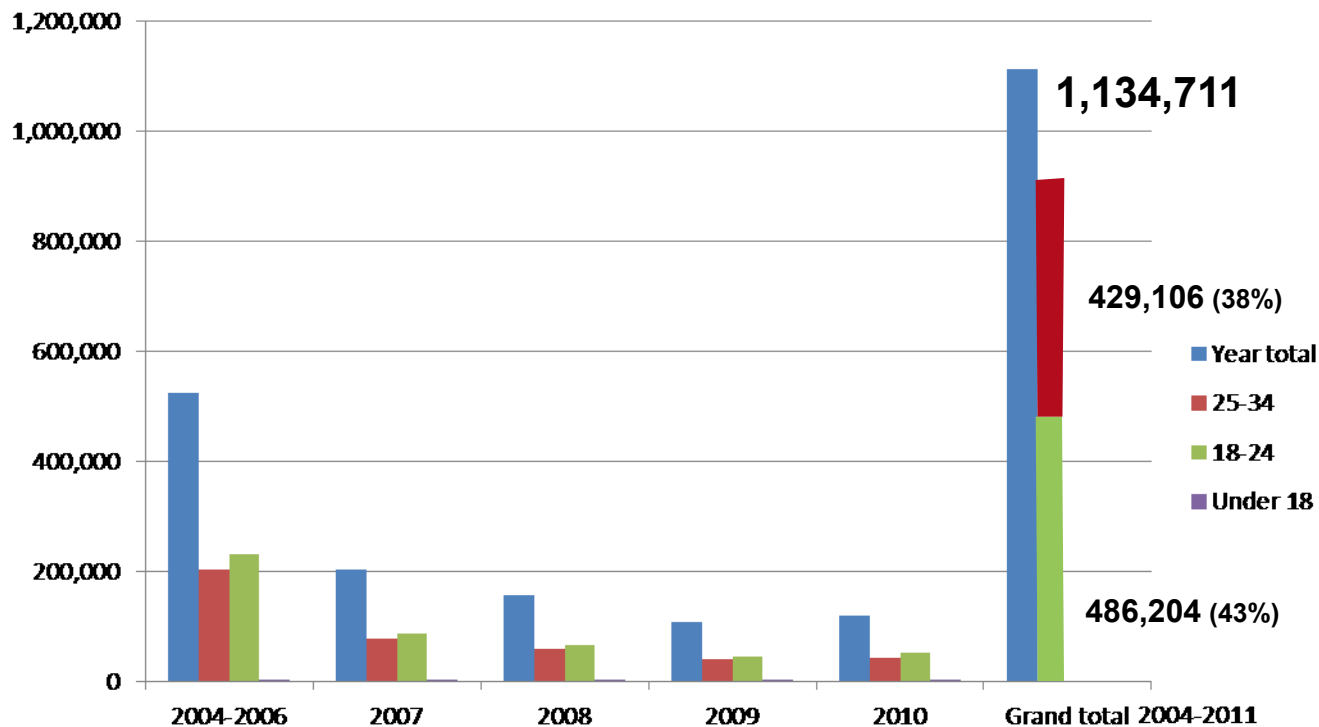
# (1) The significance of more transient and younger migrants



1. Those who registered;
2. The self-employed;
3. Illegal to legal;
4. The 'free marketeers'.



WRS A8 migration



920,530  
(81%)



# (1) Context - Migration

**A crisis of governance?**

**Joint working and alliances**

**Policy discord?**



Department for Work and Pensions  
Working Paper No 18

THE TREATMENT OF POLISH AND OTHER AS ECONOMIC  
MIGRANTS IN THE EUROPEAN UNION MEMBER STATES

A research programme prepared for  
Dr. Janusz Kochanowski,  
Commissioner for Civil Rights Protection of the Republic of Poland

**The impact of free  
movement of workers  
central and eastern E  
on the UK labour mar  
early evidence**

Jonathan Portes and Simon French

Department for Work and Pensions  
Working Paper No 29

**The impact of free  
movement of workers from  
Central and Eastern Europe  
on the UK labour market**

Nicola Gilpin, Matthew Henty, Sara Lemos, Jonathan Portes and  
Chris Bullen

A report of research carried out on behalf of the Department for Work and  
Pensions

HOUSE OF LORDS  
Select Committee on Economic Affairs  
1st Report of Session 2007–08

**The Economic  
Impact of  
Immigration**

Volume I: Report

Ordered to be printed 18 March 2008 and published 1 April 2008

Published by the Authority of the House of Lords  
London: The Stationery Office Limited  
Acre

HL Paper 82-I



Jo Carby-Hall  
University of Hull  
and  
Consulate of the Republic of Poland, Hull



**Coalition and  
Labour policy  
now very much  
support this  
trajectory**

# **Break!**

## **Questions?**

## **Discussion?**

## **Please your English (why do the English never speak another language!)**



## (2) A8 conditions of employment

Labour Source Ltd

(24hr contracts)

Reef Recruitment

limited working within vulnerable employment  
agency workers  
business employment  
law control genuinely contract  
supervision project order able  
self-employed  
contract



Tempco Staffing Ltd

(contract for service)

Adecco  
better work, better life

WRS indicates that approximately 40% A8 workers were registered by agencies

Overriding consideration now a sophisticated system of labour supply which often bypasses official EU employment gateway EURES

## (2) A8 conditions of employment



**TESCO RIP  
OFF WORKERS!**

**In Greenhills Distribution Centre**

**Workers  
Rights**

**demand one**  
Reinstate Zbysek, Bukala and Radek  
Sawicki

The agencies attempt to transfer them to work in another company is nothing more than silencing the voices of workers. There was not even an attempt to find a solution through dialogue.

**demand two**  
All agency staff should  
get a contract after 3  
months

Contracted workers get over €500 a week, agency staff get just €320. There is no justification for such a policy. Three months on the agency's leash is enough. If Tesco need us, they should treat us as normal workers.

**demand two**  
End the compulsory  
1000 boxes a day pick  
rate

Stop the raising of the daily norm. Intimidation and dismissal of workers who fall short of it can not be accepted. Everyone works to their physical abilities and health & safety regulations we were taught in training.

**see [www.indymedia.ie](http://www.indymedia.ie) for details**

**TESCO**  
*ripping off workers*

**Vast majority of A8 workers were in low paid industries**

***We can change this situation.  
we're fighting for improvement  
now! Let's not allow ourselves to  
be exploited by employment  
agencies***

**Many have had problems at work and large numbers exploited**

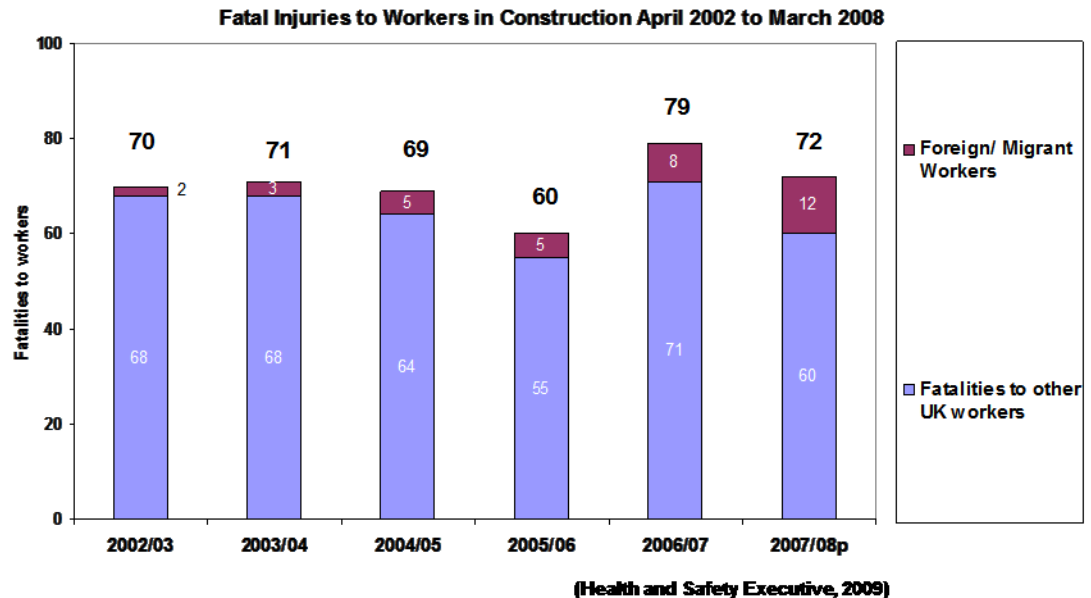
**But no economic evidence that this has displaced indigenous workers. However, mixed picture with regard to wages and conditions – so 'social dumping'?**

## (2) Migrant workers health and safety



In **2005/6**, **55%** of migrant fatalities were in construction - by **2006/7** this increased to **62%** – then **2007/8**, this increased to **66%**:

Many cases are not prosecuted. In 15 cases where CCA were able to obtain information, 9 families (**60%**) did not have legal representation;



Common for Health and Safety Executive **NOT** to issue a press release following prosecution convictions.





## (2) The UK trade union policy response

### (a) National level:

(1) Inclusive approach of actively organising A8 (Polish) workers (TUC important):-

- Policy discord here with regard to vulnerable workers strategy?;

(2) Campaigned (Gangmasters legislation);



### (c) Regional level:

(1) TUC supported a number of regional projects to drive and support Polish migrant engagement;

(2) Engaged with Regional Development Agencies (regional governance organisations);

### (b) International collaboration;

(d) Local level (local officials key):

(1) Employer partnerships;

(2) Community organising;

(3) 'British jobs for British workers';





### (3) Conclusion - Regulation

Treaty of Maastricht (1992) emphasised liberalisation (free market) but also legitimised Social Europe – social partners;



Enlarged Europe – Low-wage economies of Central and Eastern Europe;

Debates over Services Directive (2006) and amended Directive approved (key argument – unlikely bedfellows water down Directive but an atypical case Dølvik and Ødegård, 2009);

Posting of Workers Directive (1994)

and

the European Court of Justice



C341/05 Laval  
C438/05 Viking  
C319/06 Luxembourg  
C346/06 Ruffert

### (3) Conclusion - Regulation

Changing role of state and regulation. State sets laws /social partners agree regulation of sectors and economy based on national context (Menz, 2005; Meardi, 2012; Lillie, 2010);

Globalisation and financial crisis post 2008 – GIPS and Euro Plus Pact [Six Pack] (Social Europe?);

So who is in control?



# References

Busch, K., Hermann, C., Hinrichs K. and Schulten, T. (2013) *Euro Crisis, Austerity Policy and the European Social Model*, International Policy Analysis unit publication, of the Berlin: Friedrich-Ebert-Stiftung.

Carby-Hall, J. (2007) *The Treatment of Polish and Other A8 Economic Migrants in the European Union Member States*, report for the Commissioner for Civil Rights Protection of the Republic of Poland.

Dølvik, J.E. and Ødegård, A.M. (2009) *The Services Directive Strife: A Turning Point in EU Decision-making?* FORMULA Working Paper No.7.

Eldring, L., Fitzgerald, I. and Arnholtz, J. (2012) 'Post- accession migration in construction and trade union responses in Denmark, Norway and the UK', *European Journal of Industrial Relations*, 18 (1) 21–36 **Trades Union Congress**

Fitzgerald, I. and Hardy, J. (2010) "Thinking Outside the Box"? Trade Union Organising Strategies and Polish Migrant Workers in the United Kingdom', *British Journal of Industrial Relations*, Vol. 48 (1) 131–150 **ESRC**

# References

Fitzgerald, I. (2009) 'Polish migrant workers in the North – New communities, new opportunities?', in J. McBride and I. Greenwood (eds.) *Community Unionism: A Comparative Analysis of Concepts and Contexts*, London: Palgrave. **Trades Union Congress.**

Fitzgerald, I. (2008) *A Moving Target: The informational needs of Polish migrant workers in Yorkshire and the Humber*, Leeds: Yorkshire and the Humber **Trades Union Congress.**

Fitzgerald, I. (2007) *Working in the UK: Polish Migrant Worker Routes into Employment in the North East and North West Construction and Food Processing Sectors*, London: **Trades Union Congress.**

Fitzgerald, I. (2006) *Organising Migrant Workers in Construction: Experience from the North East of England*, Newcastle upon Tyne: Northern **Trades Union Congress.**

Fitzgerald, I. (2005) *Migrant Workers in the North East of England*, Newcastle upon Tyne: Northern **Trades Union Congress.**



# References

Fitzgerald, I., Hardy, J. and Martínez Lucio, M. (2012) 'The Internet, employment and Polish migrant workers: Communication, activism and competition in the new organisational spaces', *New Technology Work and Employment*, 27 (2) 93–105.

Fitzgerald and Stirling, (2004) *Black and Minority Ethnic Communities Views of Trade Unions*, Newcastle upon Tyne: Northern **Trades Union Congress**.

Hardy, J. and Fitzgerald, I. (2010) 'Negotiating 'solidarity' and internationalism: the response of Polish trade unions to migration', *Industrial Relations Journal*, 41 (4) 367–381 **ESRC**.

Holgate, J. (2004) *Black and Minority Ethnic Workers and Trade Unions: Strategies for Organisation, Recruitment and Inclusion*. London: TUC.

HSE (2009) *Playing it safe in construction - a guide for Polish workers in the UK*, joint Polish Embassy and Health and Safety Executive media briefing, 28<sup>th</sup> January 2009.

Lillie, N. (2010) 'Bringing the offshore ashore: Transnational production, industrial relations and reconfiguration of sovereignty', *International Studies Quarterly*, 54 (3) 683–704.

# References

McKay, S. and Wright, T. (2008) 'Tightening immigration policies and labour market impacts', *Transfer*, 4/08 14 (4) 653-664 (Winter 2008).

Meardi, G. (2012) 'Industrial relations after European state traditions?' in Luigi Burroni, Maarten Keune and Guglielmo Meardi (eds.) *Economy and Society in Europe: A Relationship in Crisis*, Cheltenham: Edward Elger.

Menz, G. (2005) *Varieties of Capitalism and Europeanization – National Response Strategies to the Single European Market*, Oxford: Oxford Press.

Perrett, R. and Martínez Lucio, M. (2006) *Trade Unions and Black and Minority Ethnic Communities in Yorkshire and Humber: Employment representation and Community Organisations in the Context of Change*, Leeds: Yorkshire and the Humber TUC.

Salt, J. and Millar, J. (2006) 'Foreign labour in the United Kingdom: current patterns and trends', *Labour Market Trends*, 114 (10): 335–55, Office for National Statistics.